पर जब कि सरकारों के पक्ष और विपक्ष में और बनने बिगड़ने में मतदान का अवसर हो ?

डा० रत्नाकर पाण्डेय : माननीय सभापति जी, जिस दल में एक ही सदस्य हो उसको तीन भागों में कैसे बांटा जाएगा, क्या इसको भी व्यवस्था करेंगे ?

SHRI RANGARAJAN KUMARAMANGALAM: Mr. Chairman, Sir, first of all, I think, it is important for us to understand what is defection and what is not defection. That is why, when the amendment to the Tenth Schedule was brought forward, very clearly, it has been laid down 'One-third of the strength of Parliamentary Party as well as a split in the party'. We cannot go against the basic concept of freedom of expression and the right to take decision. In a certain political party, there can be differences on political grounds and, therefore, a split occurs. A separate group is formed.

MR. CHAIRMAN: Don't give a lecture...

SHRI RANGARAJAN KUMARAMANGALAM: It is provided for. There is nothing wrong, fundamentally. I would really...

MR. CHAIRMAN: Under the law, it is not defection.

SHRI RANGARAJAN KUMARAMANGALAM: There is nothing wrong when, for political reasons, due to honest differences of opinion, people come out. That is democracy. Otherwise, the very concept of democracy will be defeated.

श्री संघ प्रिय गौतम : सभापति जी, मेरे प्रश्न का उत्तर नहीं आया है।

श्री सभापति : इनका कहना है कि क्या आप उस पार्टी पर भी कोई एक्शन लेंगे जो उसको एडमिट करती है ?

SHRI B. L. PANWAR: I would like to know from the hon. Minister whether, when bringing forward the amending Bill in regard to defection, the Government would consider this aspect also, to which Mr. Bhandare made a reference. At a particular period of time, one-third Members may come out and form a separate party. Then, in continuation of that, when somebody else joins this group of one-third, why should it be considered as defection? The persons coming out subsequently do not form another party. They join the same party formed by the group of one-third Members. Will the Government consider this aspect? Such a thing has happened in the past, during the tenure of Shri Rabi Ray.

MR. CHAIRMAN: The question is whether it will be considered as a continuing process?

SHRI K. VIJAYA BHASKARA REDDY: If they act within the law, we can do.

Making voting mandatory for citizens

*162. SHRI PRAMOD MAHAJAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that Government are proposing to make voting mandatory for citizens; and

(b) if so, what are the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): (a) No, Sir.

(b) Does not arise.

श्री प्रमोद महाजन : सभापति जी, जनतंत्र में सरकारें लोगों के द्वारा चुनी जाती हैं । लेकिन हम देख रहे हैं कि हमारे देश में लगभग 50 प्रतिशत मतदाता मतदान के लिये आते ही नहीं हैं इसलिये स्वभाविकत: चुनी हुई सरकारों का जनता का जितना समर्थन प्राप्त होना

चाहिये, उतना समर्थन नहीं मिल पाता है । दुनिया के कुछ देशों ने इस कम मतदान की समस्यढका समाधान मतदान को अनिवार्य करकेढूंढा है ।

श्री सभापति : वही आपने पूछा है अनिवार्य करने के लिये ।

श्री प्रमोद महाजन : मंत्री जी के उत्तर से यह लगता है कि सरकार इस रास्ते को अपनाना नहीं चाहती । मैं सरकार से यह जानना चाहूंगा कि मतदान को अनिवार्य करने के रास्ते को सरकार क्यों अपनाना नहीं चाहती और यदि अपनाना नहीं चाहती तो मतदाता की उदासीनता समाप्त हो, मतदान के प्रतिशत में अधिक से अधिक बढ़ोत्तरी हो, ज्यादा लोग मतदान करें और सरकार अधिक प्रतिनिधिक हो, इसके लिये सरकार क्या कदम उठाना चाहती है ?

SHRI RANGARAJAN KUMARAMANGALAM: Sir, the first thing which I would like the hon. Member to understand is that the Government feels, while the right to vote is definitely a very important right in a democratic society it is fundamental right of its own type created by the Statute, the right not to vote is also a method of voicing one opinion. Sometimes, the electorate does decide to adopt this method of voicing its opinion, and to make it mandatory would mean remaining the right for a person to refuse to excercise his right of franchise. That would have its implications and the Government, at the moment, is very clear that it would not make the right to vote a mandatory right.

With regard to how to encourage them to give their vote we are taking all possible steps. In fact, during the last elections the hon. Member must have noted that there was a large amount of publicity on the question of right to vote, implications of not to vote, and also we are trying to ensure this by various other methods. We have requested the Election Commission to take steps to see that it would be easier for the voter to cast his vote.

श्री प्रमोद महाजन: सभापति जी, मुझे मंत्री जी के इस उत्तर से दुख हुआ कि मतदान के अधिकार में ही मतदान न करने का अधिकार है और जिसको सरकार सुरक्षित करना चाहती है । मुझे लगता है कि अगर मतदान करने की दिशा में जनमत को प्रभावित करना है तो यह उत्तर उसको प्रभावित नहीं करेगा । अगर मतदान न करने का अधिकार मतदान के अधिकार में है तो पंजाब चुनाव में सरकार निर्वाचित नहीं है, इसका यह अर्थ हो जायेगा । मैं इस दिशा में केवल एक बात पूछना चाहूंगा कि मतदान केवल एक अधिकार ही नहीं है बल्कि यह अपने आप में एक पवित्र कर्तव्य भी है । इसको हम केवल अधिकार न मानें, इसको हम कर्तव्य भी मानें और यह भी मानें कि मतदान हर नागरिक का परम कर्तव्य है । तो क्या सरकार कम से कम संविधान में जो कर्तव्यों की धारा है, उसमें कर्तव्यों की जो सूची बनी है, तो क्या सरकार मतदान करने को भी एक कर्तव्य मानकर, इसे उस सूची में शामिल करेगी ?

श्री दिनेशभाई त्रिवेदी : बहुत सी पार्टियां भी मतदान नहीं करती हैं ।

MR. CHAIRMAN: Directive Principles are for the Government not for the people

SHRI RANGARAJAN KUMARAMANGALAM: Regarding the hon. Member's request that it should be part of the fundamental duties, I think I have already answered it, saying that the right to vote is also a right to... (*Interruptions*). Yes, it includes.

SHRI V. NARAYANASAMY: They have right not to vote.

MR. CHAIRMAN: In a majority of democracies it is not compulsory. Only in Australia or New Zealand it is compulsory.

SHRI RANGARAJAN KUMARAMANGALAM: You cannot force a person to make it mandatory.

श्री प्रमोद महाजन : कम से कम ड्यूटीज़ की सूची में डालने में क्या आपत्ति है ?

श्री सभापति : यह डायरेक्टिव प्रिंसिपल है जो गवर्नमेंट के लिए है।

श्री प्रमोद महाजन : ड्यूटीज़ जो बनी हैं उनमें डालने में क्या आपत्ति है ?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY): No, Sir, not at this stage. Sir, we will educate the voter to come and vote. We will make the voter realise his responsibility and vote. We do not want to force him at this stage. There are so many reasons for the voter for not voting. It is not just because he does not want to vote. At some places it not possible for him to go to vote. There are so many reasons. Under these circumstances we are not prepared to force him to come and vote.

SHRI V. NARAYANASAMY: The Government has to ensure that people vote.

श्री सैयद सिब्ते रजी : मान्यवर, यह चिंता का विषय है कि लोकतंत्र में काफी लोग वोट डालने नहीं जाते हैं और यह देखा गया है कि जो वेल-ऑफ क्लासेज हैं, एफलूयेंट क्लासेज हैं वो वोट डालने की दिक्कत करना नहीं चाहते । यह सही बात है । लेकिन इसके साथ-साथ इससे बड़ा चिंता का विषय है कि लोकतंत्र में जो लोग वोट देना चाहते हैं उनको वोट देने से जो ताकतें रोकती हैं उनके खिलाफ सरकार क्या करने जा रही है ? समाज के जो कमजोर वर्ग हैं, समाज में एक विशेष संप्रदाय के जो लोग हैं या जो मस्सल पावर का वोट के ऊपर इस्तेमाल हो रहा है उनके डर के वजह से या जिस तरह बूथ केप्चरिंग हो जाती है, गोलियां चल जाती हैं, शत्रुता का एक माहौल बन जाता है, उसको कम करने के लिए सरकार कौन से कार्यक्रम चलाने जा रही है ? क्या वोटिंग डिवाइस के लिए वोटिंग मशीन का इस्तेमाल हर बूथ पर आने वाले चुनाव में संभव हो जाएगा ? अब तक वोटिंग मशीन का इस्तेमाल किन-किन जगहों पर हुआ है और उसके बारे में सरकार का क्या अनुभव है ? क्या मोबाइल वोटिंग बूथ्स का कार्यक्रम शुरु किया जाएगा ? जिन एरियाज में दंगे फूट पड़ते हैं या जानबूझ कर के दंगे करा दिये जाते हैं इलेक्शन जीतने के लिए वहां जो वोटर्ज़ के अधिकार हैं उनको सुरक्षित करने के लिए क्या मोबाइल वोटिंग वेंस जाएंगी जिससे समाज के कमजोर और शोषित वर्गों के लोगों के अधिकारों को संरक्षित किया जा सके ?

SHRI K. VIJAYA BHASKARA REDDY: Sir, this is one of the reasons. At a number of places booth-capturing and all that is there, and violence is there. That is one of the reasons why voters are not able to go and vote. For that we have been taking a lot of steps. We increase the police protection, we give them protection and all that. In spite of that, if somewhere something is happening, at this stage it is not possible for us to force the voter to come and vote. But we will educate them to come and vote. But as far as electronic voting machine is concerned, we are going to notify the rules very soon, and in the next elections all over India there will be electronic voting. In certain places it was experimented some time back, and it was successful.

MR. CHAIRMAN: Another question was about mobile booths.

SHRI K. VIJAYA BHASKARA REDDY: About mobile booths, Sir, that also is under consideration.

SHRI S. JAIPAL REDDY: Sir, I would like to draw the attention of the minister to the other aspect of the problem. In certain elections a very small percentage of voters are able to participate, sometimes 5 per cent, sometimes 10 per cent. Is there any proposal with the Government to see that a certain minimum percentage of voting is necessary to validate an election? Otherwise, the whole election process

is getting totally ridiculous. Is the Government aware of the need to bring forward such a legislation?

SHRI K. VIJAYA BHASKARA REDDY: Sir, not at this stage. There are a number of reasons for a low percentage. At a number of places for some reasons the whole, entire villages boycott elections. How can you say, as long as the existing rules are there, suppose a low percentage is there, that the man who gets majority, is not elected? In future also we must educate the voter to come and vote and see that the percentage increases. But the point which the hon. Member has raised at this stage, the Government is not considering.

SHRI SUKOMAL SEN: Taking cue from what Mr. Jaipal Reddy has said—his question is valid, but the Minister's reply is not clear—in the last elections in Assam or the previous election in Kashmir or the latest election in Punjab, it has been seen that a negligible percentage of votes has been cast, and Members have been declared elected. True, certain political parties declared boycott etc. Taking for granted all these things, that this boycott may continue, a boycott may happen, a member getting elected by 5 per cent vote or 1 per cent vote does not represent any popular opinion. In that case I would like to know from the hon. Minister if the Government of India is prepared to give a fresh look to the Representation of the People Act to make suitable amendments so that in such circumstances certain minimum percentage is ensured for getting any Member elected. Such things must be there in the Representation of the People Act. These things, as happened in Assam earlier and in Punjab now, should not be allowed to continue for long.

SHRI K. VIJAYA BHASKARA REDDY: I must congratulate the voters in Punjab for having come forward and elected a Government there. (*Interruptions*) Yes, it is a fact. We must congratulate. Under what circumstances did the voters come to the polling booth? (*Interruptions*)

SHRI DIPEN GHOSH: Sir, is the Minister prepared to lay the entire statistics on the Table?

SHRI K. VIJAYA BHASKARA REDDY: Sir, theirs is a different version, but the fact is, in the circumstances that obtained in Punjab, if the voters came and voted for the Government, definitely they deserve congratulations. (*Interruptions*)

MR. CHAIRMAN: Let congratulations be out. Let us come to the answer.

SHRI K. VIJAYA BHASKARA REDDY: The answer is that at present there is no other alternative except to accept what it is. We are not thinking of any amendment on the lines suggested by the hon Member.

MR. CHAIRMAN: Mr. Sukomal Sen, do you remember there have been cases where people elected were those who had forfeited the security deposit? You must be knowing that. There have been many such cases, if not in the first election, certainly in the following elections.

SHRI PRAMOD MAHAJAN: Unless the law is amended, the people who forfeit the deposits will .. (*Interruptions*)

MR. CHAIRMAN: It has not been done yet. They can consider this suggestion of yours.

Disposal of accumulated cases in Supreme Court and High Courts

*163. SHRI S. MADHAVAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) what steps are being taken to dispose of the accumulated arrears